



Government of
Saskatchewan

Annual Report 2001 - 2002

Saskatchewan Justice

Saskatchewan Police Complaints Investigator

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Letters of Transmittal

August 1, 2002

Her Honour
The Honourable Linda Haverstock
Lieutenant Governor of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan

Dear Madam:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2001 to March 31, 2002.

A handwritten signature in black ink, appearing to read 'C. Axworthy', with a stylized flourish at the end.

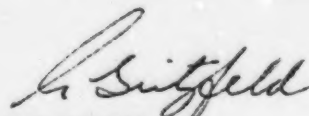
The Honourable Chris Axworthy, Q.C.
Minister of Justice and Attorney General

August 1, 2002

The Honourable Chris Axworthy
Minister of Justice and Attorney General
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2001 to March 31, 2002.



E.R. Gritzfeld, Q.C.
Complaints Investigator

Mission Statement

The Complaints Investigator is a non-police person appointed by the government to ensure that both the public and police receive a fair and thorough investigation of a complaint against the police.

One of the main functions of the police is the protection of the general public. Police Services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when a citizen feels he or she has not been treated fairly by a police officer and for that reason a Citizen Complaint Procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Complaints Investigator

Civilian review of public complaints against the police began in the United States in the 1960's. Since then it has spread around the world and developed so that today, Canada is recognized as a leader in the public complaints field. On January 1, 1992, Saskatchewan brought in a new procedure for the handling of complaints against municipal police with the appointment of a Complaints Investigator. Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the Investigator are as follows:

- (a) record the complaint received;
- (b) establish and maintain a record of all public complaints received by the police services and their dispositions;
- (c) inform, advise and assist complainants;
- (d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;

- (e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and
 - (f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.
- (2) In exercising the duties of the investigator pursuant to this section, the investigator:
- (a) shall receive and obtain information respecting a public complaint from the complainant;
 - (b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
 - (c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and
 - (d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

Complaints Investigator

E.R. Gritzfeld, Q.C.

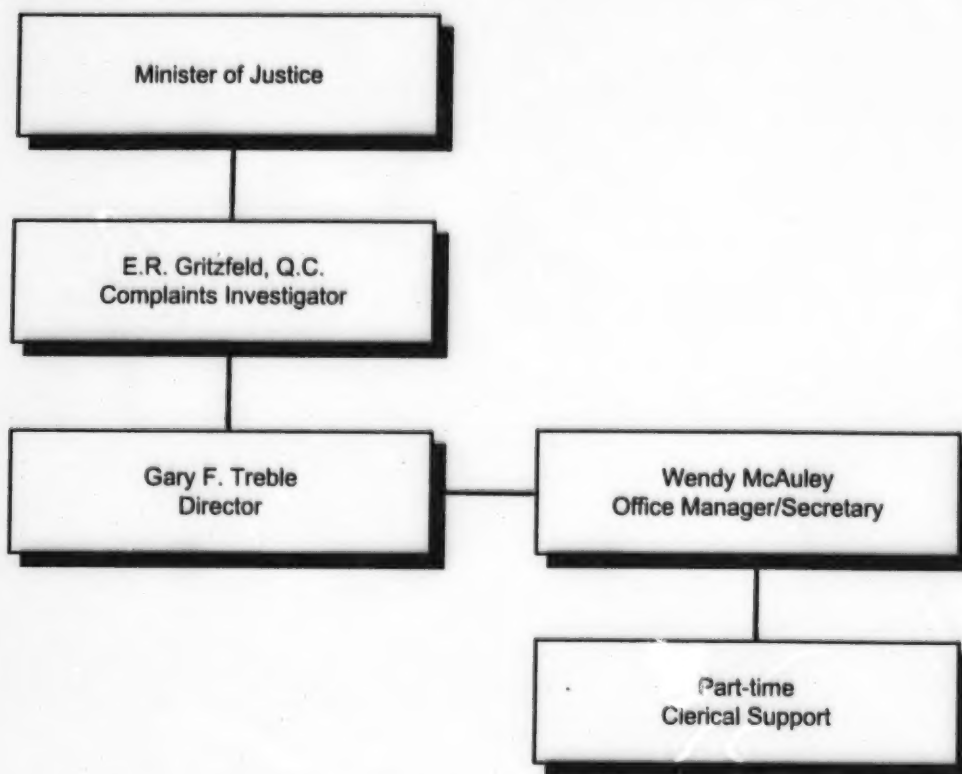
Administrative Staff/Accommodation

Gary F. Treble - Director
Wendy McAuley - Office Manager/Secretary

Saskatchewan Police Complaints Investigator
3rd Floor - 1919 Saskatchewan Drive
Regina, Saskatchewan
S4P 3V7

Telephone: (306) 787-6519
Fax: (306) 787-6528

Organizational Structure



2001-02 Activities and Results

For the period April 1, 2001 to March 31, 2002 this office processed 134 complaints against municipal police officers in the province.

Noted below is the time frame involved to receive the complaint, investigate, review the matter and advise the complainants of the action taken with respect to their concern.

Time Frame	% of Complaint Files
0 - 30 days	13 %
31 - 60 days	9 %
61 - 90 days	8 %
91 - 120 days	8 %
121 - 150 days	7 %
151 - 180 days	6 %
Over 181 days	19 %
Pending	30 %

The following pages show the breakdown of complaints for each of the ten Municipal Police Services and two Rural Municipality Police Services in the province.

Saskatchewan Police Complaints Investigator April 1, 2001 to March 31, 2002

Number of Complaint Files		Number of Complaint Files	
Regina	49	Caronport	0
Saskatoon	53	Dalmeny	2
Moose Jaw	4	Luseland	0
Prince Albert	21	Stoughton	0
Estevan	3	R.M. of Corman Park	0
Weyburn	2	R.M. of Vanscoy	0
Total Number of Files		134	

**Findings of Complaints Received
April 1, 2001 to March 31, 2002**

Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	Not Yet Completed	Total
Regina	3	1	18	9	18	49
Saskatoon	2	3	23	9	16	53
Moose Jaw	2	0	2	1	0	5
Prince Albert	1	0	7	7	6	21
Estevan	0	0	2	1	0	3
Weyburn	1	0	1	0	0	2
Caronport	0	0	0	0	0	0
Dalmeny	0	0	0	2	0	2
Luseland	0	0	0	0	0	0
Stoughton	0	0	0	0	0	0
R.M. Corman Park	0	0	0	0	0	0
R.M. Vanscoy	0	0	0	0	0	0
Total	9	4	53	29	40	*135

* While 134 complaints were filed - some had multiple complaints and findings

Definition of Complaint Findings

Substantiated - Supported by evidence
 Unsubstantiated - Allegation cannot be proved or disproved
 Unfounded - Unsupported by evidence

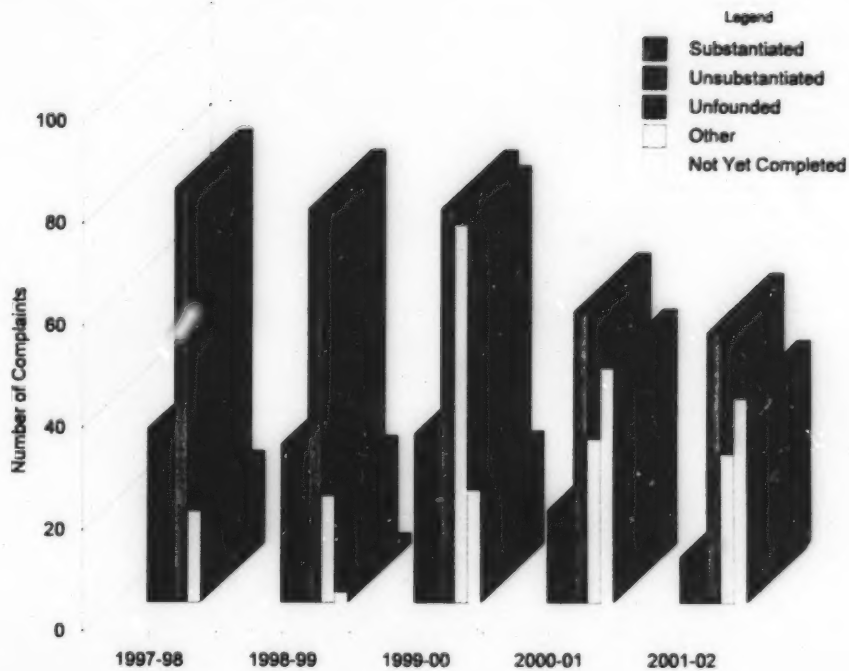
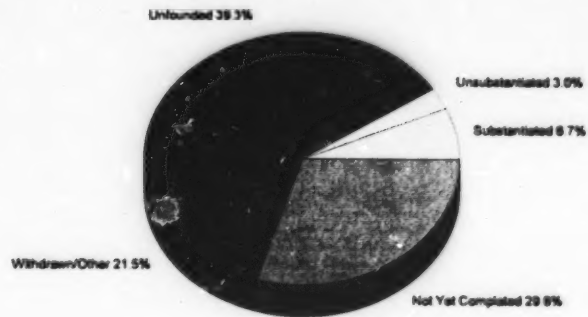
**Classification of Substantiated / Unsubstantiated Complaints
April 1, 2001 to March 31, 2002**

Police Service	Substantiated	Description	Unsubstantiated	Description
Regina	3	37E	1	37E
Saskatoon	1	37Ai	1	36D
	1	36Fii	1	37E
			1	Other
Prince Albert	1	37E		
Moose Jaw	1	37Ai		
	1	36Aiv		
Weyburn	1	37C		

36Aiv Discreditable Conduct
 36D Improper Disclosure of Information
 36Fii Abuse of Authority

37Ai Discreditable Conduct
 37C Neglect of Duty
 37E Abuse of Authority
 Other Other offences

Complaint Findings
April 1, 2001 to March 31, 2002



**Five-Year
 Com
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 Statis
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Saskatchewan Police Complaints Investigator
Types of Complaints Received
April 1, 2001 to March 31, 2002

	TOTAL	REGINA	SASKATOON	MOOSE JAW	P. ALBERT	ESTEVAN	WEYBURN	CARONPORT	DALMENY	LUSLAND	STOUGHTON	CORMAN PARK	VANSCOY
COMPLAINTS RECEIVED	135	49	53	5	21	3	2	0	2	0	0	0	0
TYPE OF COMPLAINT													
Discreditable Conduct	9	1	4	2	0	0	0	0	2	0	0	0	0
Neglect of Duty	20	8	5	0	4	1	2	0	0	0	0	0	0
Insubordination	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	2	0	2	0	0	0	0	0	0	0	0	0	0
Corrupt Practice	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority	48	17	19	3	7	2	0	0	0	0	0	0	0
Improper Use of Firearms	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform/Improper Personal Appearance	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	1	1	0	0	0	0	0	0	0	0	0	0	0
Others	15	4	7	0	4	0	0	0	0	0	0	0	0
Not Yet Completed	40	18	16	0	6	0	0	0	0	0	0	0	0

Case Summaries

The following case summaries are a cross-section of the types of complaints received.

■ Mr. P was stopped in June while driving his vehicle. Police seized the vehicle and issued to him four tickets including a vehicle inspection ticket. Mr. P's concern was that his vehicle had been previously inspected in March and he felt that the police were harassing him.

The charges laid related to having dark tint on the side windows of the vehicle, failing to display two licence plates and having prohibited tail lights on the rear of his vehicle. The police were aware that he had previously been charged three times for dark tint, once for failure to display two plates and twice for prohibited tail lights. Investigation revealed that the officers gave him the option of taking the tint off his windows immediately or the vehicle would be seized. Mr. P's reaction was a verbal outburst and swearing at the police. He was described as loud and obnoxious and indicated he would not remove the tint. Further investigation revealed that on previous occasions Mr. P had removed the tint for inspection purposes and after passing the inspection - he would reapply it to his vehicle.

I concluded that in view of the circumstances there was no improper conduct by the officers.

■ Mr. Mc lives down the street from a police officer. He complained that he has had a long history of conflict and friction with the officer. He alleged that the officer harassed him, falsely accused him of offences and unlawfully arrested him.

Investigation revealed the 22 year-old subject, in the past six years, had 64 contacts with the police service. These contacts were with several officers. Many of the contacts were for theft and break and enter incidents. At the time of filing his public complaint Mr. Mc was before the court with 16 charges. A historical review of Mr. Mc's charges revealed that the police officer, living down the street, had charged him two years previous with several charges of break, enter and theft. Mr. Mc was convicted of the charges which had been laid. Recently the complainant was observed by his neighbourhood police officer, drinking a beer outside his residence. A check of police records indicated he was on probation and was to abstain from alcohol consumption. The matter was reported to the complainant's probation officer. It was the probation officer who arrested the subject.

My review of the circumstances found that there had been no improper conduct by the officer who lived down the street from the complainant.

Case Summaries

■ Mr. T's complaint related to a reported theft from his daughter's vehicle. He felt that the officer had not properly investigated the incident. Mr. T attempted to resolve the matter. He spoke to another officer and received inaccurate information as to the reason that charges had not been laid. The complainant felt that the officer failed to keep him informed of the progress of the investigation.

The review of this matter found that there had been a breakdown in communication. It was also determined that there had been a series of errors made by the officer with respect to the handling of the stolen property which had been located. The deficiencies were identified and corrective measures taken. The circumstances were explained to the complainant and he was satisfied with the action taken.

■ Ms. G was a young offender being held in the detention area of a police service. Police were in the process of preparing her and another young offender for escort to the Paul Dojack Youth Centre. She alleged the officers grabbed her by the hair, shook her and threw her into the back seat of the police car.

Investigation revealed that Ms. G attempted to run out of the secure bay area of the police station. One officer blocked her by using his hand and arm in a blocking motion in the chest and neck areas while the other officer grabbed her hair from behind. Ms. G had a reputation for attempting to escape custody. She was being uncooperative and verbally abusive as she did not want to be handcuffed and shackled. Her attempt at escaping was corroborated by security cameras and the matron who was on duty.

The matter was reviewed by Saskatchewan Justice. The conclusion reached was the force used was measured and reasonable and there was no credible evidence that the force was unnecessary or excessive.

■ Mr. Z complained that he and a friend were checked by the police while walking home from the bar during the early morning hours. As a result he was threatened with arrest. It was his opinion that the officers stopped him unnecessarily. He felt the officers were harassing him and that they were rude and unprofessional.

Investigation revealed that the complainant and his friend were intoxicated and walking home. He admitted to making derogatory and unnecessary remarks to the officers as they drove by. The officers stopped and a discussion ensued about the intoxication of the complainant and his friend on public property. Mr. Z and his friend were not arrested and were allowed to continue walking home.

This matter was resolved informally. It was explained to Mr. Z that the officers had legal authority to arrest them for public intoxication had they chose to. He also agreed that in the circumstances there was no evidence of harassment, rudeness and unprofessionalism.

Case Summaries

■ Mr. N stated that he had been apprehended outside a major department store by security staff for shoplifting on December 30th. He was taken to the security office to await the arrival of police. Mr. N alleged the police officer struck him in the mouth in view of the security officers.

Investigation revealed the complainant resisted the two security officers. A third officer attended and the scuffle continued. Mr. N received an injury to his mouth area during the scuffle. A photograph of the injury was taken by security personnel prior to the arrival of police. Mr. N was taken to the police station and charges proceeded.

The matter was reviewed by Saskatchewan Justice. The evidence supported the conclusion that he received the cut to his mouth when he was apprehended by security staff. There was no evidence that more force than was necessary was used.

When advised of the foregoing Mr. N stated that he was assaulted by police on December 15th. Investigation revealed that he was arrested on December 15th at another major department store for shoplifting. He stated the police officer arrived at the security office and alleged that the officer handcuffed him - then struck him in the mouth.

The female security officer stated that she handcuffed the complainant and took him to the security office. Mr. N was intoxicated but did not have any injuries. She was present when the police arrived and departed from the office. While the complainant was resistant he was not punched or struck by anyone including the security guard.

This matter was also reviewed by Saskatchewan Justice. It was concluded that there was no basis for charges against the security officer or attending police officers.

■ A police officer driving an unmarked police vehicle was returning from a course at the Saskatchewan Police College. The police car was struck in the rear by the complainant's vehicle. The two drivers became involved in a verbal dispute. During the altercation the officer is alleged to have grabbed the complainant by the jacket. The complainant says he was also punched. The dispute was observed by two other police members in another vehicle. While one member stated the officer pushed the complainant, both officers say that he raised his fist as if to hit the complainant, but did not do so. Neither officer observed him punch the complainant.

The matter was reviewed by Saskatchewan Justice. The actions of the officer were in the heat of the moment. Saskatchewan Justice felt the actions were inappropriate but they should not attract the force of a criminal prosecution.

Nevertheless, the Police Chief, pursuant to *The Police Act, 1990*, took internal action against the officer for his inappropriate conduct.

Allocation of Budget 2001-2002

The following figures show the approved budget for the 2001-2002 fiscal year.

	<u>2001-2002</u>
Approved Budget	\$164,000
Salaries, Honorariums, Per Diems	\$129,788
Operating Expenses	<u>21,962</u>
	\$151,750